

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-16 are pending

Claims 1, 2, 8, 9, 15 and 16 stand rejected.

Claims 3-7 and 10-14 are allowed.

Claims 3, 5, 6, 7 15 and 16 have been amended. Claims 1, 2, 8 and 9 have been cancelled without prejudice.

Claims 3, 5, 6, 7, and 10-16 are independent claim.

Claims 1, 2, 8, 9, 15 and 16 stand rejected under 35 USC 102(b) as being anticipated by JP 2254677.

Claims 3-7 and 10-14 are allowed.

Applicant thanks the Examiner for the indication of allowable subject matter and has elected to withdraw claims 1, 2, 8 and 9 from further consideration and has elected to amend claims 15 and 16 to further recite that the error is ignored when "when the error is not within at least one essential zone defined on the carrier." No new matter has been added. Support for the amendment may be found at least on page 3, lines 1-4 ("[o]n a write once record carrier the information comprised in an inner-disc count zone ...is essential and write errors cannot be ignored...").

With regard to the rejection of claims 1, 2, 8, 9, 15 and 16, applicant submits that for the withdrawn of claims 1, 2, 8 and 9 and the amendments made to claims 15 and 16 the reason for the rejection has been overcome.

For the amendments made to the claims and for the arguments presented,

herein, applicant submits that the rejection of the claims has been overcome and respectfully requests that the rejections be withdrawn and that a Notice of Allowance be issued.

Although the instant Office Action has been deemed Final, entry of the amendments to the claims should be entered as the amendments made to the claims correct errors in form and furthermore the amendments made to claims 15 and 16 are believed to place rejected claims 15 and 16 in allowable form.

Applicant denies any statement, position or averment stated in the Office Action that is not specifically addressed by the foregoing. Any rejection and/or points of argument not addressed are moot in view of the presented arguments and no arguments are waived and none of the statements and/or assertions made in the Office Action is conceded.

Applicant makes no statement regarding the patentability of the subject matter recited in the claims prior to this Amendment and has amended the claims solely to facilitate expeditious prosecution of this patent application. Applicant respectfully reserves the right to pursue claims, including the subject matter encompassed by the originally filed claims, as presented prior to this Amendment, and any additional claims in one or more continuing applications during the pendency of the instant application.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at the telephone given below.

Respectfully submitted,

Date: November 12, 2009

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